

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY C. HERNANDEZ,  
Plaintiff,  
v.  
GREEN, et al.,  
Defendants.

No. 2:20-cv-2374-KJM-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On December 16, 2020, the court granted plaintiff's request for leave to proceed in forma pauperis, obligating him to pay the filing fee in full through monthly payments. ECF No. 7; 28 U.S.C. § 1915(b)(1). On July 15, 2021, plaintiff requested to voluntarily dismiss his case upon a refund of the filing fee. ECF No. 23. Plaintiff's requests must be denied.

If plaintiff no longer wishes to pursue this action, he may voluntarily dismiss it without prejudice by filing a notice of dismissal in accordance with Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure. However, even if plaintiff chooses to voluntarily dismiss this action, he remains obligated to pay the entire filing fee "in increments," *Williams v. Paramo*, 775 F.3d 1182, 1185 (9th Cir. 2015); *see also* 28 U.S.C. § 1915(b)(1) & (2); *Taylor v. Delatoore*, 281 F.3d 844, 847 (9th Cir. 2002) ("Under the PLRA, all prisoners who file IFP civil actions must pay the full amount of the filing fee."). A refund simply is not available.

Accordingly, IT IS ORDERED that plaintiff's July 15, 2021 motion to dismiss, conditioned upon a refund of the filing fee (ECF No. 23), is DENIED. If plaintiff no longer wishes to pursue this action, he may voluntarily dismiss it without prejudice by filing a notice of dismissal in accordance with Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE